Specific Type of Claims (Chapter VI)

Topic 12
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Overview

1. The Types of Claims
2. Type 3
3. Type 1
4. Type 2
1. The Types of Claims

- The types of Claims (WIPO Patent Drafting Manual)
  
  A  Apparatus of device Claims
  B  Method claims or process Claims
  C  Product-by-process Claims
  D  Result to be achieved and parameter Claim
  E  Design Claims
  F  Plant patent Claim
  G  Composition Claims
  H  Biotechnology Claims
  I  Use Claims
  J  Software Claims
  K  Omnibus Claims
1. The Types of Claims

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L  Jepson type Claim
M  Markush type Claim
N  Means-plus-function Claim
1. The Types of Claims

- A  Apparatus and device claims
- B  Method claims or process claims
  - C  Product-by-process claims
  - D  Result to be achieved and parameter claim
  - E  Design claims
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1. The Types of Claims

✓ The types of Claims

TYPE 1. Category types for object to be protected, used in a general patent system
   → A, B, G, H, I and J

TYPE 2. Expression types for protecting objects in general patent system
   → C, D, K, L, M and N

TYPE 3. Claim types used in the jurisdiction allowing IP protection as a patent
   as a patent
   → E and F
<Type 3> Claim types used in the jurisdiction allowing IP protection as a patent

E. Design patent

The ornamental design of an electronic device, as shown and described in Fig.1.

(USD618677)
2. Type 3

✓ <Type 3> Claim types used in a county allowing IP protection as a patent

F. Plant patent

1. A new and distinct variety of Philodendron plant, substantially as herein shown and described, characterized as to novelty by its stocky, compact, self-heading growth habit, its unique color of new leaves which are bright, glossy orange, ...

(USPP06797)
3. Type 1

✓ <Type 1> Category types for object to be protected, used in a general patent system

A. Apparatus and device Claim

1. **An apparatus** for supporting a camera, comprising:
   a pivotal mounting configured to hold the camera;
   and
   a plurality of legs arranged to support the pivotal mounting.
<Type 1> Category types for object to be protected, used in a general patent system

A. Apparatus and device Claim

- Limitation by structures
- Limitation by a function
- Limitation by an effect
- Limitation by a method or a process
3. Type 1

✓ <Type 1> Category types for object to be protected, used in a general patent system

A. Apparatus and device Claim

- relatively easy evidence in case
  A third party’s manufactured or sold product
3. Type 1

✓ <Type 1> Claim types used in a general patent system
   B. Method Claim or Process Claim
      - Limitation by a method or a process
      - Including time-dependent expression or order-dependent expression
<Type 1> Claim types used in a general patent system

B. Method Claim or Process Claim

1. **A method** for making tea, the method comprising:
   - boiling water;
   - adding sugar to the boiling water;
   - adding tea leaves to the boiling water to form a mixture;
   - adding milk to the mixture; and
   - filtering the mixture.
3. Type 1

✓ <Type 1> Claim types used in a general patent system

B. Method Claim or Process Claim

- Relatively difficult evidence
  A third party’s action implementing all claimed process
<Type 1> Claim types used in a general patent system

G. Composition Claims

1. A **copper electroplating solution**, comprising:
   a. an alkaline solution of copper sulfate, from 30 to 50 grams per litter;
   b. sulfuric acid, from 2 to 4 times the copper acetate solution; and
   c. an aqueous solution of a pH-modifying substrate in an amount sufficient to adjust the pH to a value of from 3.5 to 5.0.
3. Type 1

✓ <Type 1> Claim types used in a general patent system
G. Composition Claims

- Composition Claim is one of the type of apparatus claim
- Limitation by structures including chemical formula
  Limitation by a function
  Limitation by an effect
  Limitation by a method or a process
- relatively easy evidence in case
  A third party’s manufactured or sold product
3. Type 1

✓ <Type 1> Claim types used in a general patent system
  [Note: Non-Chemical claim]
3. Type 1

✓ <Type 1> Claim types used in a general patent system
[Note: Chemical claim]
3. Type 1

✓ <Type 1> Claim types used in a general patent system
   H. Biotechnology Claims

1. An isolated polynucleotide comprising a member selected from the group consisting of:
   (a) a polynucleotide encoding a polypeptide comprising amino acid 1 to amino acid 255 as set forth in SEQ ID NO:2; and
   (b) a polynucleotide which hybridizes to and which is at least 95% complementary to the polynucleotide of (a).
3. Type 1

✓ <Type 1> Claim types used in a general patent system

I. Use Claim

1. **A use of** compound XYZ in the manufacturing of a treatment for malaria.

Note: Even though this type of claim is allowed, it implies this type of claim is allowed only as a form.
3. Type 1

✓ <Type 1> Claim types used in a general patent system

I. Use Claim

In general, a use claim is effective for a chemical invention.

Chemical substances have characteristics that is suitable or not, for combination with another substance or for another use.
3. Type 1

✓ <Type 1> Claim types used in a general patent system

J. Software Claim

1. A computer program for storing data for access by an application program being executed on a data processing system, comprising steps of:
   transferring a command from CPU to a first memory
   accessing the first memory to determine a storage area of the register;...
✓ <Type 1> Claim types used in a general patent system

J. Software Claim

In most of the jurisdictions, “computer software” is not allowed to used as a category of a subject matter in a Claim.

In general, inventions of computer software is protected by a method claim or a storage medium claim.
✓ <Type 1> Claim types used in a general patent system

J’. Storage medium Claim

1. A computer-readable storage medium storing a computer program for storing data for access by an application program being executed on a data processing system, comprising steps of:
   
   transferring a command from CPU to a first memory accessing the first memory to determine a storage area of the register;...
✓ <Type 1> Claim types used in a general patent system

J”. Method Claim for computer software

1. **A method** for storing data for access on a computer, comprising steps of:
   - transferring a command from CPU to a first memory
   - accessing the first memory to determine a storage area of the register;...
4. Type 2

✓ <Type 2> Expression types for protecting objects in general patent system

C. Product-by-process Claim

The invention has to be specified by structures in general. In most of the jurisdiction, however, it is allowed to use limitation phrases specified by a process. It is called as “product-process claim.”

A product-b-process claim is a claim for recovering the disadvantage of the method claims.
✓ <Type 2> Expression types for protecting objects in general patent system

C. Product-by-process Claim

Product-by-process claims should not be used positively. It should be used only in the case where there is no other expression to specify the invention by structures.
4. Type 2

✓ <Type 2> Expression types for protecting objects in general patent system

C. Product-by-process Claim

1. A dispensing machine comprising:
   a nozzle having a inner adhesive path formed by injecting molding;
   ....
4. Type 2

✓ <Type 2> Expression types for protecting objects in general patent system

C. Product-by-process Claim

In interpretation of the product-by-process claim, even though a claim is limited by processes, as long as a disputable product is the subject matter of a Claim, it is assumed that the product is made by the process specified by the limitation words, the disputable product is recognized within the scope of a Claim.
4. Type 2

✓ <Type 2> Expression types for protecting objects in general patent system

C. Product-by-process Claim

Sadza, Nshima, Nsimna, Ugali, Ubugali, Poshto, Pap, Tuozaphi, Saab, Sakoro, Sakora
4. Type 2

✓ <Type 2> Expression types for protecting objects in general patent system

I. Omnibus Claim

1. An dispensing apparatus comprising;
   
   * . An dispensing apparatus as shown in Figure.4.
Thank you for your attention.

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